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SUBJECT: CONTINUING DEVELOPMENTS IN SEMDINLI BOMBING CASE: TWO MEMBERS OF SECURITY FORCES ARRESTED

REF: A) ADANA 207, B) ANKARA 6772, C) ADANA 216

1. (SBU) Summary: Since the November 9 Semdinli bombing (reftels A and B) and the PM's subsequent visit to the region (reftel C), the parliamentary Human Rights Committee toured the region to investigate the case. Hakkari's governor was re-assigned to another province, a move he attempted to depict as a promotion. The prosecution will try the case under organized crime statutes in the Van special felony court, allowing a wider investigation than under other criminal statutes. Most significantly, a Van prosecutor arrested two jandarma members implicated in the bombing. PM Erdogan was criticized for meddling in the judicial process when he said that local people should not be called as witnesses in the case since they might be intimidated by the PKK for doing so. Many in the southeast are still not confident that justice will be done. End Summary.

Parliamentary Human Rights Commission Makes a Study Tour

2. (SBU) The parliamentary Human Rights Committee conducted a November 22 to 26 tour in Hakkari province, including the town of Semdinli, meeting with the Semdinli Mayor as well as subgovernors and municipal assembly members. The committee also met with the prosecutor investigating the incident. AMCON Adana contacts depict the committee investigation as unsatisfactory, citing the committee members' supposed failure to meet with members of the local populace most affected by the incident. (Note: Radikal newspaper reported on November 29 that public prosecutors from Semdinli and Van took depositions from 58 persons who were mainly shopkeepers whose shops had been destroyed during the blast. End Note.) Hakkari DEHAP/DTP Mayor Metin Tekce was disappointed that the committee did not meet with him, while center-left Radikal newspaper reporter Nese Duzel told us that the committee's investigations, headed by AK Party lawmaker and committee chairman Mehmet Elkatmis, raised some expectations among people because of his "fair reports" while heading up past investigations; however, Duzel added, this investigation focused too much on official testimony while neglecting information from the local, ethnically-Kurdish, public. . (Comment: We do not concur with this assessment of Elkatmis, who also oversaw a poor investigation into the Susurluk incident several years ago. We have found him to be narrow-minded, poorly-informed and bigoted in other areas - he famously accused the U.S. of "genocide" in Iraq. End Comment.)

Hakkari and Tokat Governors Switch Seats

3. (SBU) On November 25, Hakkari Governor Erdogan Gurbuz was re-assigned as governor of Tokat Province, while the Tokat governor was assigned to replace Gurbuz in Hakkari. Gurbuz told the press that the change was a normal practice of the government and could even be regarded as a promotion, since Tokat is a bigger province. Hakkari Mayor (DEHAP) Tekce was critical of the appointment when we spoke with him, saying that this will not help bring the Semdinli perpetrators to justice, especially since the appointment is being depicted as a promotion. Reporter Duzel claimed to us that the local public does not find the governor's appointment a positive development, since many believe he should have been suspended from his position and an investigation against him should have been initiated. Duzel added that the governor has caused an erosion of confidence over the past few months as he has "misinformed" the public about alleged local civilian involvement in "terrorist activities."

Case to be Tried Under Organized Crime Statutes

4. (SBU) On November 24, the press reported that the GOT has decided to try the Semdinli bombing case in the jurisdiction of the Van special felony Court, and that the case would probably be tried under organized crime statutes, allowing for a much deeper and broader investigation of suspects and witnesses connected with the case than would be allowed under other criminal statutes. Mayor Tekce described this as a positive development, but said that people still lacked confidence that the government would bring the perpetrators to justice. In line with Tekce's remarks, Duzel said that the people do not believe

that justice will be done, and that their confidence in the judiciary continues to weaken. (Comment: Our interlocutors' viewpoints are broadly held, but reflect regional anti-GOT bias. End Comment.) Members of the Van Bar Association told us that holding the trial in the Van court showed that the case was being taken more seriously by the government than if it had been tried in a Semdinli court. They added that three government prosecutors are currently working on the case, and noted that all files related to the case are inaccessible to the public during the prosecutor's investigation. Observers also noted that the more extensive investigatory breadth of the organized crimes statute still resulted in the locally much criticized "Yuksekovala Gang" verdict in which all defendants, save a PKK defector, were recently found not guilty.

Two Suspects Arrested

15. (U) November 29 press reports claimed that upon a request from the head prosecutor investigating the Semdinli case, the two state jandarma members implicated in the bombing were arrested and, according to November 30 press reports, charged with treason. These suspects were initially detained by police when the bombing occurred, then released. According to the press, the prosecutor's initial request for their arrest in Van was made as a precautionary measure to help calm public outcry over their release.

PM Inserts Foot in Mouth

16. (U) The November 29 press further reported that lawyers and politicians criticized PM Erdogan for meddling in the judicial process when he said that local people in Semdinli should not be called as witnesses in the court case since they might be intimidated by the PKK. Reacting to the PM's remarks, Diyarbakir Bar Association head Sezgin Tanrikulu called the PM's words "unfortunate" and said they had increased concerns that the truth about the Semdinli incident would not be revealed. Head of the Van Bar Association Ayhan Cubuk told the press that the PM's words showed his mistrust of the people. CHP deputy chairman Cevdet Selvi told the press that if the government was convinced that witnesses are under threat, then it must take steps to ensure their safety.

Comment

17. (SBU) Initial moves by the government to project the image that authorities are unified and sincere in their desire to bring about a fair and just outcome in this case are, so far, failing to persuade regional critics and most legal observers. The de facto arrest of the two jandarma implicated in the case, the use of the organized crime statute and boosting the investigative team from one to three prosecutors are noteworthy, but public attention in the southeast is still focusing on parallels with past cases based on similar allegations which they consider whitewashes, such as the recently-announced "Yuksekovala Gang" case and Susurluk organized crime case.

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